

### **REMARKS**

Claims 1, 2, 4-11 and 13-21 are pending in the application. Claims 18-21 have been withdrawn. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **INTERVIEW SUMMARY**

The undersigned wishes to express his appreciation to the Examiner for the courtesy of the telephone interview concerning the present application on December 27, 2007. The claim amendments were discussed relative to the cited references, but no definite agreement was reached.

### **SPECIFICATION**

Very minor amendments have been made to the specification to even further improve the readability of same. These changes are primarily of either a grammatical nature, or simply involve the addition of reference numerals at various portions of the written specification. No new matter has been added. Entry of these amendments is therefore respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 4, 6-7, 10, 13 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa et al. (U.S. Pat. Pub. No. 2002/0197869) in view of Paal et al. (U.S. Pat. No. 4,015,986). Claim 8, which depends from claim 1, was rejected in view of the above cited references to Nakagawa et al. and Paal et al., and further in

view of Kung (U.S. Patent Pub. No. 2004/0160225). The rejection of these claims is respectfully traversed.

Initially it will be noted that independent claim 1 has been amended to positively recite the operation of “using said changes in the electrical characteristic of the liquid to drive a visual display that is able to provide a plurality of different indications as to said ratio.” Independent claims 10 and 17 have been amended along similar lines. It is respectfully submitted that presently amended claim 1 is not rendered obvious by the Nakagawa et al./Paal et al. combination of references. Nakagawa et al. does not disclose or suggest any kind of display system for visually indicating the condition (or characteristics) of the liquid being used in the stripping system. In the Nakagawa et al. system, the users of the system would not be provided with any visual signal or indication as to the condition of the liquid, let alone whether the liquid was approaching a point at which it would need to be changed. This is because Nakagawa et al. allows the absorbtiometer 15 and the electrical conductivity meter 16 to feed signals to controllers 30 and 31, which in turn actuate the control valves 24-27 (Figure 1; page 6, paragraph 71) that control the supply of fluids to the treatment bath 1. Thus, there would be no need for a display system in Nakagawa et al. to alert a user as to the changing ratio of various intermixed components making up the liquid, since the maintenance of the liquid in the fluid bath 1 is handled by the addition of various controllers and valves that resupply the treatment bath 1 as needed.

Pall et al. also does not disclose or suggest anything regarding using a display system to indicate the ratio of the dissolved resin to the solvent.

Kung involves a battery, light or fuse tester that makes use of a plurality of LEDs 80, 82 and 84 (see Figure 4; paragraph 34) to indicate the status of a battery, a light bulb or a fuse being tested. There is no discussion, let alone any suggestion, in Kung of using the LEDs in connection with a liquid monitoring operation where the LEDs provide an indication as to the chemical makeup of a fluid. In fact, it is submitted that Kung, being essentially a portable, hand-held battery, fuse and light bulb tester, is fundamentally non-analogous art to the present application. One of ordinary skill in the art of methods and systems involving fluid baths used in various manufacturing processes would most certainly not have been motivated to search out and review hand-held battery and fuse testers for ideas on how to visually indicate a constituency of two or more liquids intermixed together in a fluid reservoir. Furthermore, it is respectfully submitted that simply viewing the Kung reference in connection with the Nakagawa et al. and Pall et al. references would not have provided any motivation to incorporate the LEDs disclosed in Kung into an operation (or system) to provide a visual indication as to the ratio of two intermixed liquids. For this reason, reconsideration and withdrawal of this rejection is most respectfully requested.

The Examiner is encouraged to also carefully weigh the fact that there simply is no need for any display operation (or subsystem) in the Nakagawa et al. system. Since the control of the constituency of the intermixed liquid in Nakagawa et al. is controlled automatically by controllers 30 and 31, and valves 24-27, the undersigned maintains that there would be absolutely no motivation for one skilled in this art to have come up with the idea of using a display system to help provide a visual indication as to the ratio of the fluid in the bath 1 of Nakagawa et al. A visual display system would have

provided no benefit, and would have served no purpose, if incorporated into the Nakagawa et al. system.

Independent method claim 17 was rejected as being obvious of Nakagawa et al. in view of Paal et al, and further in view of Oberlander et al. (U.S. Patent No. 6,368,421). This rejection is respectfully traversed. The Examiner will note that claim 17 has been amended to positively recite using a plurality of display elements to visually indicate changes in said ratio. Again, Oberlander et al. does not disclose or suggest anything regarding possibly using a display system in connection with a liquid stripping system such as disclosed in Nakagawa et al. For at least this reason, reconsideration and withdrawal of this rejection is most respectfully requested.

Various obviousness rejections were made for various ones of the dependent claims of the present application using various combinations of the above-discussed references. In view of the amendments to independent claims 1, 10 and 17, and the remarks presented in relation to these claims, it is believed that these rejections have been rendered moot.

#### **THE CITED REFERENCES HAVE BEEN COMBINED IN HINDSIGHT**

It is well established by the CAFC that there must be some teaching, motivation or desirability to combine the prior art references. A general relationship between fields of the prior art patents that are being combined is not sufficient to establish the suggestion or motivation. See e.g., C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1352 (Fed. Cir. 1998). A general relationship between the fields of the prior art references is not sufficient to establish the required "suggestion" or "motivation".

Interactive Techs., Inc. v. Pittway Corp., Civ. App. No. 98-1464, slip op. at 13 (Fed. Cir. June 1, 1999) (unpublished), cert. denied, 528 U.S. 1046 (1999).

Furthermore, the Federal Circuit has stated:

*The genius of invention is often a combination of known elements which in hindsight seems preordained. To prevent hindsight invalidation of patent claims, the law requires some "teaching, suggestion or reason" to combine the cited references.*

McGinley v. Franklin Sports Inc., 262 F.3d 1339, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) (citing Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 1579, 42 USPQ 2d 1378, 1383 (Fed. Cir. 1997)).

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). In In re Fritch, the CAFC stated:

*It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosure disclosures in the prior art to deprecate the claimed invention.*

Id. at 23 USPQ2d 1784.

In this example, the Examiner has failed to explain the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of the presently claimed invention to make the combination asserted by the Examiner. As explained above, the subject matter of Nakagawa et al. and the subject matter of Kung are from widely disparate fields of art (i.e., one being liquid stripping in a manufacturing operation and the other being a hand-held battery, light bulb and fuse


tester). It is respectfully submitted that the combination of teachings from these disparate references could only have been made in hindsight while using the specification of the present disclosure as a "roadmap". Accordingly, it is respectfully maintained that the combination of references applied by the Examiner has been made using impermissible hindsight reconstruction.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Office reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of these remarks is respectfully requested. If the Office believes that personal communication will expedite prosecution of this application, the Office is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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